2022 Apr-12 PM 03:37 U.S. DISTRICT COURT N.D. OF ALABAMA

## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA NORTHEASTERN DIVISION

ALBERT BRUNSON,	)
Petitioner,	) ) Civil Action Number
v.	) 5:21-cv-1191-AKK-GMB
STATE OF ALABAMA,	)
,	)
Respondent.	<i>)</i>

## **MEMORANDUM OPINION**

The magistrate judge entered a report recommending that Albert Brunson's petition for a writ of habeas corpus be dismissed without prejudice as successive pursuant to 28 U.S.C. § 2244(b)(3)(A). Doc. 14. Brunson subsequently filed a motion for an extension of time to file objections to the report and recommendation, doc. 15, which the magistrate judge granted, doc. 18. Brunson thereafter filed another motion for an extension. Doc. 20.

In both motions, Brunson describes his limited access to the law library in the prison in which he is incarcerated. Docs. 15 at 1; 20 at 1. As noted in the report, however, Brunson has not obtained Eleventh Circuit authorization to file a successive petition, so this court has no jurisdiction to consider his claims. Doc. 14 at 2–4. As a result, no objections that Brunson could file would change that he did not obtain authorization from the Circuit before filing a successive petition.

After careful consideration of the record in this case, the magistrate judge's

report, and Brunson's motions, the court DENIES Brunson's motion for an

extension, doc. 20, ADOPTS the report, and ACCEPTS the recommendation.

Accordingly, the court will dismiss Brunson's amended petition, doc. 8, without

prejudice for lack of jurisdiction because he has not received authorization from the

Circuit to file a successive habeas petition. See 28 U.S.C. § 2244(b)(3)(A).

This court may issue a certificate of appealability "only if the applicant has

made a substantial showing of the denial of a constitutional right." 28 U.S.C.

§ 2253(c)(2). To do so, a "petitioner must demonstrate that reasonable jurists would

find the district court's assessment of the constitutional claims debatable or wrong,"

Slack v. McDaniel, 529 U.S. 473, 484 (2000), or that "the issues presented were

adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537

U.S. 322, 336 (2003) (internal quotations omitted). The court finds Brunson's

claims do not satisfy either standard.

The court will enter a final judgment.

**DONE** the 12th day of April, 2022.

ABDUL K. KALLON

UNITED STATES DISTRICT JUDGE

2